

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RONALD EUGENE ALLEN, JR.,

Case No. 3:21-cv-00141-MMD-WGC

Petitioner,

ORDER

v.

WILLIAM GITTERE, *et al.*,

Respondents.

12 The Court previously appointed counsel for Petitioner Ronald Eugene Allen, Jr. in
13 this habeas corpus action on March 31, 2021. (ECF No. 3.) Counsel made an initial
14 appearance for Allen on April 22, 2021. (ECF No. 7.) On April 23, 2021, the Court issued
15 a scheduling order, which, among other things, granted Allen 90 days (until and including
16 July 22, 2021) to file an amended habeas petition. (ECF No. 8.)

17 On April 26, 2021, Allen filed a motion for leave to file a second amended petition.
18 (ECF No. 9.) Attached to that motion is his first amended petition. (ECF No. 9-1.) Allen
19 states in the motion that he filed the first amended petition in such a short time because
20 of his understanding that the expiration of the applicable limitations period was imminent.
21 (*Id.* at 2.) Allen requests leave to file a second amended petition so that he has “a
22 reasonable opportunity to prepare an amended petition that fully reflects counsel’s
23 considered judgment.” (*Id.* at 3.) Allen further requests that the Court waive the
24 requirement of LR 15-1(a), which generally requires a party to attach the proposed
25 amended pleading to a motion seeking leave of court to amend, explaining that that rule
26 is ill-suited for this situation. (*Id.* at 4.) Respondents did not respond to Allen’s motion.

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Under Federal Rule of Civil Procedure 15(a)(2), a party may amend a pleading with the Court's leave. "The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2).

The Court finds that there is good cause for Allen to file a second amended habeas petition. The Court will grant Allen's motion. The Court will waive the requirement of LR 15-1(a). This order does not, however, affect, in any manner, the operation of the statute of limitations in this case, and the Court does not mean in this order to convey any opinion whatsoever about when the limitations period expires (or expired).

It is therefore ordered that Petitioner's Motion for Leave to File a Second Amended Petition (ECF No. 9) is granted. Respondents need not respond to Petitioner's first amended petition. Petitioner will have until and including July 22, 2021, to file a second amended petition. In all other respects, the schedule for further proceedings set forth in the order entered April 23, 2021 (ECF No. 8) will remain in effect.

The Clerk of the Court is directed to separately file a copy of Petitioner's First Amended Petition for Writ of Habeas Corpus (ECF No. 9-1).

DATED THIS 11th Day of May 2021.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE